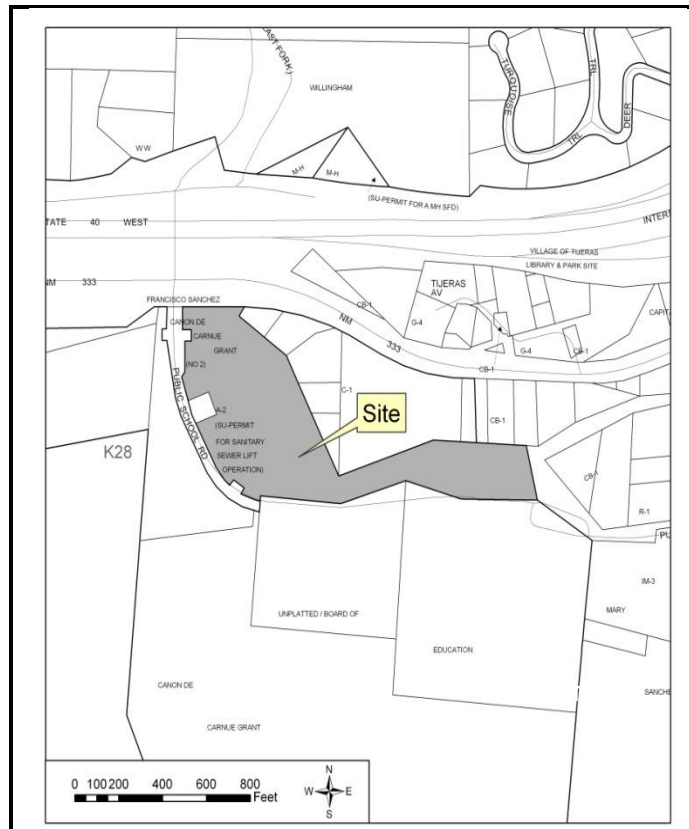


Applicant:	County of Bernalillo Public Works Division
Agent:	N/A
Location:	17 Public School Road
Property Size:	Approximately 14.46 acres
Existing Zone:	A-2
Proposed Request:	Special Use Permit for Public Building and Incidental Uses (fueling station and road maintenance operation with outside storage of materials)
Recommendation:	Approval



Summary: The applicant is requesting approval of a Special Use Permit for Public Building and Incidental Uses (fueling station and road maintenance operation with outside storage of materials). The subject site is located in the East Mountain area. The entire Special Use Permit site is for 14.46 acres; however, the land use proposed will encompass approximately 1.5 acres of the 14.46 acre site.

Staff Planner: Adella Gallegos, Associate Program Planner

- Attachments:**
1. Application
 2. Land Use and Zoning Map
 3. Waiver Request submitted by the Public Works Division
 4. Correspondence from East Mountain Area Associations and Residents
 5. GWPPAP Crucial Areas Map
 6. Public Works Division submittal of 14.46 acres area map (Commissioners Only)
 7. Site Plan dated February 22, 2010 (Commissioners Only)

Bernalillo County Departments and other interested agencies reviewed this application from 2-23-10 to 3-15-10. Agency comments are verbatim and were used in preparation of this report, which begin on page 16.

AGENDA ITEM NO.: 16
County Planning Commission
April 7, 2010

CSU-20100010 Bernalillo County Public Works Division requests approval of a Special Use Permit for Public Building and Incidental Uses (fueling station & road maintenance operation with outside storage of materials) on Tract 4, Lands of Cano de Carue Grant #2, located at 17 Public School Road, on the east side of Public School Road between NM 333 & A. Montoya Elementary School, zoned A-2, and containing approximately 14.46 acres (K-28)

AREA CHARACTERISTICS AND ZONING HISTORY
Surrounding Zoning & Land Uses

Site	Zoning	Land Use
	A-2	Vacant
North	A-2 with a Special Use Permit for a Sanitary Sewer Lift Operation	Sanitary Sewer Lift Operation and vacant land, NM 333 and I-40
South	A-2	A. Montoya Elementary School and Roosevelt Middle School
East	C-1	Tijeras Arroyo, Two residential dwellings and the Los Vecinos Community Complex
West	A-2	Two mobile homes and vacant land

BACKGROUND:

The Request

The applicant is requesting approval of a Special Use Permit for a Public Building and Incidental Uses (fueling station and road maintenance operation with outside storage of materials). The subject site is approximately 14.46 acres in size; however, the requested use will encompass approximately 1.50 acres of the 14.46 acres (Attachment 6). The fueling station site will be built on approximately .38 acres with the remaining 1.2 acres for the maintenance operation and outside storage area. The fueling station area will consist of two 7,000 gallon underground storage tanks, two fuel dispensers and a 32x32 canopy. The maintenance operation will include a 40 x 40 cover shed, a 14 x 40 administration building and the area to the east of the site to be utilized for the stockpiling of materials and the temporary parking of equipment. A 6-foot high chainlink fence with razor wire will surround the 1.5 acres proposed for this land use.

Surrounding Land Use and Zoning

The subject site is located just south of NM 333 on the east side of Public School Road in the East Mountain Area. The subject site borders the Lands of Canon de Carue Grant No. 2 on the west and the Village of Tijeras on the east. The Tijeras Arroyo also runs through the subject site. The subject site also surrounds a small parcel of A-2 zoning with a Special Use Permit for a Sanitary Sewer Lift Operation (CSU-94-11). The site is surrounded vacant A-2 zoned property on the south and on the west developed with two mobile homes. A-2 and M-H zoning also exist to the north of NM 333. To the east exist C-1 zoned property developed with two residential dwellings and the Los Vecinos Community Complex, a public library and a post office. South and Southeast of the site exists two public schools, the A. Montoya Elementary School and the Roosevelt Middle School.

There has not been any recent zoning activity in the area other than a Conditional Use Permit for the approval of classroom construction at the A. Montoya Elementary School.

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

The site is within the Rural Area as designated in the Comprehensive Plan. The Goal is to maintain the separate identity of Rural Areas as alternatives to urbanization by guiding development compatible with their open character, natural resources, and traditional settlement patterns.” The following includes applicable policies:

Policy 3.a. states, “Rural Areas as shown by a Plan map shall generally retain their rural character with development consisting primarily of ranches, farms and single-family homes on large lots; higher density development may occur at appropriate locations – within rural village or planned communities. Overall gross densities shall not exceed one dwelling unit per acre.”

Policy 3.b states “Development in Rural Areas shall be compatible with natural resource capacities, including water availability and capacity, community and regional goals and shall include trail corridors where appropriate.”

Policy 3.g states that “the following shall guide industrial and commercial development in the Rural Areas.”

- Small-scale, local industries, which employ few people and may sell products on the same premises, are the most desirable industrial use.
- Neighborhood and/or community-scale rather than regional scale commercial centers are appropriate for rural areas. Strip commercial development should be discouraged and, instead, commercial development should be clustered at major intersections and within designated mountain and valley villages.”

Economic Development

The Goal is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

Policy 6.a states, “New Employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to the areas of most need.”

Policy 6.b states that, “Development of local business enterprises as well as the recruitment of the outside firms shall be emphasized.”

Policy 6.g states that, “Concentrations of employment and Activity Centers should be promoted in an effort to balance jobs with housing and population and reduce the need to travel.”

EAST MOUNTAIN AREA PLAN

General Land Use Goals

- . Promote appropriate development that retains the unique rural character of the East Mountain Area.
- . Protect the property rights of property owners while ensuring the health, safety and welfare of all inhabitants.
- . Prevent future degradation of the natural environment as a result of new subdivisions.
- . Preserve agricultural uses that are compatible with the environmental conditions of the area.

Policies

- 1.1. Bernalillo County shall evaluate future development and land uses in accordance with the specific environmental factors affecting each site. These factors include: water availability and quality; wastewater disposal and treatment; steep slope areas/erosion control; floodplain/arroyo corridors; visual characteristics; vegetation; soil types and fire breaks in forested areas.
- 1.2. Subdivisions with trail development potential, as outlined in the East Mountain Trail and Bikeways Master Plan, shall work with Bernalillo County Planning Department and Bernalillo County Parks and Recreation Department towards identifying and providing trail corridors in the County Development Review Authority Process.

Natural Environment

Visual Resources

Goal – Maintain and improve the existing visual quality of the East Mountain Area.

Policy

- 4.1 In order to minimize environmental and visual damage from new construction in the East Mountain Area, Bernalillo County Zoning, Building, Planning and Environmental Health Department shall require that all subdivision applications and building site plans include: Topography indicating areas between 15% and 25% slope and over 25% slope and right tops; existing generalized vegetation; existing floodplains/arroyos, wetlands, and riparian areas; existing roads and/or trails; cleared and graded areas not to exceed minimum required for roadways, however, accessory building, wastewater treatment, animal husbandry (where allowed by zoning) and driveway construction.

Soils, Vegetation and Topography

Steep slopes, limited vegetation and soil restriction predominate the East Mountain Area landscape. These features present limitations to development and must be recognized also as to minimize environmental degradation.

Goals – Protect slopes, preserve native vegetation and control non-native invasive plants.

Policies

- 7.2 All development shall comply with the Federal Storm Water Quality regulations promulgated by the US Environmental Protection Agency and as administered by the Bernalillo County, the City of Albuquerque, or any other local governmental entities.

Community Development

Economic and Commercial Development

Goal

- . Achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

Policies

- 9.1 Commercial development shall occur in commercial corridors and nodes identified through an economic development study, sector plan, or master plan approved by Bernalillo County.
- 9.2 Prohibit new Special Use Permits for commercial and manufacturing that would be equivalent to M-2 zoning.
- 9.3 Encourage small-scale business to develop with the potential for providing local employment.

Facilities

Goals

- . Provide and promote diversified and quality educational opportunities, recreational programs and facilities for the citizens of Bernalillo County.
- . Develop and manage services and facilities in an efficient, equitable manner.
- . Maintain an accessible solid waste station and promote recycling.

- 11.3. Public buildings should strive to be an example of superior design.
- 11.4 Bernalillo County shall work with staff from other federal, state, county and municipal agencies and provide developers on facility development and management issues in order to provide and promote diversified and quality recreational programs and facilities for the citizens of the EMA.

Transportation

- 12.4 Bernalillo County Public Work Division shall pursue methods go gavel and maintain all appropriate high traffic roadways in the East Mountain Area to reduce dust and air pollution.

Ground-Water Protection Policy and Action Plan

Goals and Policies

Protect the Ground-Water Resource

- Policy A** The City and County shall prohibit or control the releases of substances having the potential to degrade the ground-water quality.
- . Prohibit or restrict certain activity in crucial areas to minimize the potential for contamination of ground water (the generalized crucial areas map is included as Attachment A).
 - . Prohibit the release of hazardous materials and hazardous waste to the ground water, by requiring best management practices and engineering controls at hazardous materials and waste (HMWS) facilities, which use or store hazardous materials or hazardous wastes.

Application to Specific Threats

- . Underground Storage Tank;
- . Hazardous Materials and Waste Storage Facilities (including hazardous materials and stockpiles and small quantity generators [SQGs]; and
- . On-Site Liquid Waste Disposal Systems.

Underground Storage Tanks

Restrict Activity in Crucial Areas

- . Require secondary containment with release detection when upgrading or installing new tanks or lines in crucial areas.
- . Use additional Restrictions in Wellhead Protection Areas

Hazardous Materials and Waste Storage Facilities

Restrict Activity in Crucial Areas and Wellhead Protection Areas

- . The Hazardous Materials and Waste Storage (HMWS) Policy requires local operating permits for facilities in crucial areas and wellhead protection areas.

Best Management Practices and Engineering Controls

- . To protect against threats of pollution from hazardous materials, stockpiles, small and large quantity generators or hazardous waste, and hazardous waste treatment, storage, and disposal facilities; invoke the HMWS policy.

Establish Well Head Protection Areas

- . Underground Storage Tanks, Existing Septic-Tank Systems and HMWS Facilities Within Wellhead Protection Areas

- . Consistent with the Environmental Improvement Board's water supply regulations, prohibit new underground storage tanks within 200 feet of public water supply wells, require replacement of existing uncoated steel tanks within one year. Require double wall systems with interstitial leak detection for all new and upgraded tanks.

Bernalillo County Zoning Ordinance

Resolution 116-86 defines criteria for evaluating a Zone Map changes and Special Use Permit applications.

The following policies for deciding zone map changes and Special Use Permit applications pursuant to the adopted Bernalillo County Zoning Ordinance.

- A. A proposed land use change must be found to be consistent with the health, safety and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other Master Plans and amendments thereto including privately developed area plans which have been adopted by the Board of County Commissioners.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. An error in the original zone map.
 - 2. Changed neighborhood conditions, which justifies a change in land use or
 - 3. That a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- H. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or

2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- I. A zone change request, which would give a zone different from the surrounding zoning to a strip of land along a street, is generally called a "strip zoning." Such a change of zone may be approved only when:
1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

Section 5. Definitions - Public Utility Structure". A structure, owned by a unit of government of by a public utility company, which is an electric switching station; electric substation operation at voltages greater than 50 kilovolts; gas transfer station; city or county-owned life station, odor control (or chlorine) station, water well or pump station or water reservoir; or any other similar public utility structure controlled by a rank two facility plan.

Section 18 Special Use Permit Regulations

A. By Special Use Permit after receipt of a recommendation from the County Planning Commission, The Board of County Commissioners may authorize the locations of uses in any one in which they are not permitted by other sections of this ordinance; the Board of County Commissioners may likewise authorize the increase in height of buildings beyond the limits set fourth by sections of the zoning ordinance. With such permits, the Board of County Commissioners may impose limitations, as it deems necessary:

1. To ensure that the degree of compatibility of property uses which this section is intended to promote and preserve shall be maintained with respect to the special use on the particular site and consideration of existing and potential uses of property within the zone and the general area in which the use is proposed to be located;
2. To ensure the proper performance standards and conditions are, whenever necessary, imposed upon uses which are, or which reasonably may be expected to become, obnoxious, dangerous, offensive or injurious to the health, safety, or welfare of the public, or a portion thereof, by reason of the emission of noise, smoke, dust fumes, vibration, odor, or other harmful or annoying substances;
3. To preserve the utility, integrity and character of the zone in which the use will be located, without adversely affecting adjacent zones; and
4. To ensure that the use will not be or become detrimental to the public interest, health safety, convenience, or the general welfare.

Section 18.B.24. Public buildings, public utility facility, power plant, transformer yard, sewage treatment plan, sanitary solid waste incinerator, construction debris landfill, sanitary landfill and similar technical operations essential to public health and welfare.

Section 19 Landscaping and Buffer Landscaping Regulations:

Where a non-residential zone which is hereafter developed for a business purpose about a conforming residential use, special buffer landscaping is required to minimize noise, lighting and sight impact of the nonresidential activities in the residential area.

- A. Landscaping and buffer landscaping will be required in all zones for office, commercial, industrial, and multifamily residential uses; R-1, A-1, A-2 and M-H residential uses are exempt.
1. Sites of one acre or less:
 - a. There shall be a landscaped setback along all streets of no less than ten feet.
 - b. There shall be a landscaped buffer of six feet between single-family residential uses and office, commercial, industrial, and multifamily residential uses.
 - c. Fifteen percent of all paved areas shall be landscaped. The landscaped setback may contribute toward this requirement.
 2. Sites one acre and up to five acres. There shall be a landscaped setback along all streets of not less than 15 feet. All other requirements are the same as 1.b and 1.c above.
 3. Sites of five acres or more:
 - a. There shall be a landscaped setback along all streets of no less than 20 feet.
 - b. The landscaped setback shall not be counted toward the landscaping required as a result of paving.
 - c. All other requirements [shall be the] same as 1.b. and 1.c. above.

ANALYSIS:

Surrounding Land Use and Zoning

The subject site is located just south of NM 333 on the east side Public School Road in the East Mountain Area. The subject site borders the Lands of Canon de Carnue Grant No. 2 on the west and the Village of Tijeras on the east. The Tijeras Arroyo also runs through the subject site. Amid the subject site exist A-2 zoning with a Special Use Permit for a Sanitary Sewer Lift Operation (CSU-94-11). The site is surrounded with vacant A-2 zoned property on the south and on the west developed with two mobile homes. A-2 and M-H zoning also exist to the north of NM 333. To the east exist C-1 zoned property developed with two residential dwellings and the Los Vecinos Community Complex. South and Southeast of the site exists two public schools, the A. Montoya Elementary School and the Roosevelt Middle School.

Albuquerque Bernalillo County Comprehensive Plan and the East Mountain Area Plan

The subject site is located in the Rural Area of the Comprehensive Plan and in the plan area for East Mountains. These plans call for development that will generally retain their rural character of the area with development occurring in appropriate locations that are compatible with natural resource capacities, including water availability and capacity, community and regional goals. These plans also call for development to be of a small-scale and local industry that employs few people.

The 1.5 acre (approximately) site proposed for the refueling station and maintenance operation is located along Public School Road; however, concerns of the environmental impact this use may created have arisen. The proposed use is to be adjacent and/or in close proximity to the Tijeras Arroyo. The depth of the underground storage tanks may create some issues with top soil disturbance and ground water protection. The shared access of Public School Road with the existing schools is of concern to the Albuquerque Public Schools system.

The proposed use of a refueling station and maintenance operation to be used only by Bernalillo County vehicles is of a small-scale operation for a service that would greatly benefit this area of the East Mountains. The proposed use will enhance public safety to the East Mountain area residents by reducing the cost of fueling County vehicles, improving road maintenance in the form of snow removal response times and reducing dust and air pollution.

Ground-Water Protection Policy and Action Plan (GWPPAP)

The subject site is located within the Crucial Area of the GWPPAP. Policy A of the GWPPAP calls for the City and County to prohibit or restrict certain activity in crucial areas to minimize the potential for contamination of ground water (the generalized crucial areas map is included as Attachment 5). Specific threats to the Crucial Area are underground storage tanks and hazardous materials. This request is specifically for a refueling station which includes two 7000 gallon storage tanks and stockpiles of materials that may be hazardous to the ground water.

Zoning Ordinance

Resolution 116-86 states the criteria for evaluating a requested zone change or Special Use Permit. The applicant must demonstrate that the existing zoning is inappropriate because of 1) an error in the original zone map; 2) changed neighborhood conditions which justifies a change in land use; or 3) that a different use category is more advantageous to the community as articulated in a County adopted plan.

Although there have not been any recent zoning activity warranting a change in land use, the existence of commercial zoning and community facilities, i.e. public schools, community center, etc., it appears that there have been changed community conditions towards the development community oriented uses and away from agricultural and residential development in this area. However, the environmental impacts and traffic generated by this use may pose a detrimental impact to the general welfare of the surrounding community if they are not properly addressed by the applicant.

Site Plan

The site development plan submitted identifies the area (1.5 acres approximately) that is to be utilized for the proposed use rather than the entire 14.46 acres.

There are some issues with the site development plan (1.5 acre approximately) that need to be addressed and modified. These issues include the surfaced area to be designated for the parking and storage of equipment, parking for the administrative office, noting the gravel surfaced area, landscaping buffer and adding a note that the Water Utility Authority Sewer Lift Station is not part of this request.

The 14.46 acre Special Use Permit site includes the Tijeras Arroyo that runs along the east boundary of the proposed development. Although not shown on the site plan, the existence of the Tijeras Arroyo in close proximity to the proposed construction use site may be viewed as an important aspect to include on the site plan.

There are a number of environmental concerns that have been raised relative to the proposed use on the site, such as ground water protection due to the depth of the underground storage tanks, soil disturbance and infringement on the arroyos, proposed bike trail along Public School Road and the proposed trail along the Tijeras Arroyo (East Mountain Trails and Bikeways Master Plan).

Agency Comments

The Office of Environmental Health has commented that the information submitted with this application is insufficient to adequately assess environmental health risks presented by placing a heavy equipment fueling station and bulk materials storage area in close proximity to a school and active waterways and is requesting deferral of any action on this request. The Public Works Division, Water Resources Section, mirrors the Office of Environmental Health's comments on this request and adds that the site development needs to show the location of the surrounding arroyos centerlines to verify offset distances.

The Public Works Division has commented that, prior to moving forward with this request, a conceptual grading and drainage plan must be approved that addresses performing a hydraulic analysis of the Tijeras Arroyo and designing the salt storage, mixing and fueling areas to minimize contact with stormwater; and, that the runoff from these proposed uses be contained in a separate ponding areas from other runoff sources. A traffic scoping report has been submitted, reviewed and approved.

Analysis Summary

Zoning	
Resolution 116-86	There are existing changed neighborhood conditions that exist which are of a commercial and community nature in close proximity to the subject site
	This request may be more advantageous to the community in providing a service that would enhance the safety of the East Mountain residents by improving road maintenance in the form of snow removal response times and reducing dust and air pollution.
	The environmental impacts and traffic that would be generated by the proposed land use may be harmful to adjacent property, the neighborhood or the community.

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Plans	
Comprehensive Plan	Consistent with Policy 3. g and 6.g that allow for small-scale, local industry which employ few people and reduce the need to travel.
East Mountain Area Plan	Consistent with Policies 9.3 and 12.4 in that the requested use is an appropriate scale, would provide a beneficial service that would meet the needs of the area residents by improving snow removal response times and reducing dust and air pollution.
Ground-Water Protection Policy Action Plan (GWPPAP)	This request is inconsistent with GWPPAP in that the plan prohibits or restricts certain activity in crucial areas to minimize the potential for contamination of ground water. Specific threats include underground storage tanks and hazardous materials. This request is specifically for a refueling station and stockpiles of materials that may be hazardous to the ground water.
Other Requirements	
Environmental Health	Water & Sewer Availability Statement, submittal of NMED approvals, Air Quality Permit, Monitoring Wells and double containment of storage tanks.
Public Works Division	A final grading and drainage plan. Show flood plain on site plan

Conclusion

Resolution 116-86 establishes policies regarding zone changes and Special Use Permit requests. The Resolution states that the applicant must demonstrate that the existing zoning is inappropriate because of an error in the zone map, changed conditions in the neighborhood or community which justify a change in the land use or that a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners

Resolution 116-86 requires that a land use change must clearly facilitate the revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area plan. In this case, it appears that the location of the requested use is consistent with the Comprehensive Plan's and the East Mountain Area Plan policies of supporting small-scale, locally-owned and operated industry that complements residential areas and reduces the need to travel as articulated in Policies 3.g, 6.a, 6.b & 6.g of the Albuquerque/Bernalillo County Comprehensive Plan. However, Resolution 116.86 also request that a land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.

The area has gone through changed community conditions in the form of commercial and community facility development, specifically to the east of the subject site. However, the type of development being proposed on the subject may have some detrimental environmental impacts that may require additional study before construction for the proposed use can move forward. The subject site is located in the crucial area of the Ground-Water Protection Policy and Action Plan (Attachment 5), the construction of the two 7000 gallon underground storage tanks and the stocking piling of materials has raised concerns with the contamination of the ground water. The site plan should be modified to reflect surface type and the location of the Tijeras Arroyo.

East Mountain Area Neighborhood Association and a number of area residents have submitted their concerns relative to the environmental impact this request may have to the community (Attachment 4). The Albuquerque Public Schools has noted their opposition to this request.

RECOMMENDATION:

Approval of CSU-20100010 is recommended based on the following Findings and Conditions.

Adella Gallegos,
Associate Program Planner

Findings:

1. This is a request for a Special Use Permit for Public Building and Incidental Uses (fueling station & road maintenance operation with outside storage of materials) on Tract 4, Lands of Cano de Carue Grant #2, located at 17 Public School Road, on the east side of Public School Road between NM 333 & A. Montoya Elementary School, zoned A-2, and containing approximately 14.46 acres.
2. The subject site is located in the Rural Area of the Albuquerque/Bernalillo County Comprehensive Plan and in the East Mountain Area Plan.
3. This request is consistent with the Bernalillo County Comprehensive Plan, as articulated in Policy 3. g and 6.b & 6.g in that the proposed land use is of a small-scale, local industry and would reduce the need to travel.
4. This request is consistent with Resolution 116-86 in that the proposed land use would be more advantageous to the community by providing a beneficial service that would meet the needs of the area residents by improving snow removal response times and reducing dust and air pollution.
5. This request is consistent with Resolution 116-86 in that there have been changed community conditions directly east of the subject site that are geared towards community commercial facilities and away from agricultural and residential development.

6. This request is consistent with the health, safety, and general welfare of the residents of Bernalillo County.

Conditions:

1. The applicant shall submit to the Office of Environmental Health the plans for petroleum storage meeting New Mexico Environment Department Petroleum Storage Tank Bureau requirements to include secondary containment with release detection (double wall systems with interstitial leak detection) within two months of final Board of County Commissioners approval.
2. Lighting shall be site specific. Shielded or cutoff features shall be provided so that no fugitive light crosses into adjacent lots.
3. The applicant shall put in place measures to prevent the runoff of materials stored outside.
4. The applicant shall acquire an air quality permit from the Albuquerque-Bernalillo County Air Quality Control Board. A copy of the approved air quality permits shall be submitted to the Zoning, Building, Planning and Environmental Health Department.
5. The applicant shall comply with Section 30-119 of the Environmental Health Code for any noise relative to the proposed use situated in close proximity to schools and the library.
6. Water and wastewater services for administrative building must be permitted and approved by Office of Environmental Health. If community provider is to be utilized, the applicant shall acquire a water and sewer availability statement from the Albuquerque/Bernalillo County Water Utility Authority or from the community provide of these services. A copy of the approved for these services shall be submitted to the Zoning, Building, Planning and Environmental Health Department.
7. Prior to construction, the applicant shall provide to the Office of Environmental Health an underground storage tank design and operation plan that satisfies New Mexico Environmental Department Petroleum Storage Tank requirements.
8. The applicant shall install required landscaping in accordance to Section 19.A.3 of the Zoning Code. Include the following:
 - a. A 20 feet landscape buffer along the entire length of Public School Road (adjacent to both side of the existing sewer lift station).
 - b. A six foot buffer along the east property line that abuts residential development.
 - c. A solid wall/fence at least 6 feet in height is required along the south and southeast sides of the property abutting A. Montoya Elementary School and Roosevelt Middle School (both properties are zoned A-2).
9. The applicant shall comply with parking requirements in accordance to Section 21. of the Zone Code, to include the following:

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- a. 3 off-street parking spaces - 2 standard, one for disabled individuals with its own conspicuously sign showing the international disabled symbol of a wheelchair.
 - b. The designated parking area for the outside storage of equipment and vehicles.
 - c. The off-street parking areas must be surfaced with concrete or a bituminous material (asphalt). Gravel parking areas are not acceptable.
10. The applicant shall submit a final grading and drainage plan and a storm water pollution protection plan to the Bernalillo County Public Works Division. A conceptual plan may be submitted prior to approval of this Special Use permit request with the complete Grading & Drainage Plan being submitted within 60 days of final Board of County Commissioners approval.
11. The Special Use Permit shall be for the life of the use.
12. The applicant shall submit three copies of a revised site development plan consistent with the Conditions of approval, unless otherwise mentioned, for review and approval to the Zoning Administrator within two months after the final Board of County Commissioners approval. The site plan shall include the following:
 - a. Additional sheet showing the flood plain in proximity to the proposed use as required by the Public Works Division.
 - b. Parking areas for the office and for the vehicles and equipment.
 - c. 20-foot landscaping buffer along Public School Road for the frontage of the proposed use.
 - d. Add the following under notes: "3. The Water Utility Authority Sewer Lift Station is not part of this Special Use Permit."
 - e. Revise the designated area for the stocking of materials to incorporate the area for the parking of vehicles and equipment.
 - f. Note the locations of the monitoring wells.
 - g. Note fire hydrant location at entrance onto property.
13. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.
14. The foregoing conditions shall become effective and shall be strictly complied with immediately upon execution or utilization of any portions of the right and privileges authorized by this Special Use Permit.

BERNALILLO COUNTY DEPARTMENT COMMENTS

Zoning Administrator:

The public building component of this request is first outlined in Section 18 of the ordinance (ref. Sec. 18.B.24.). Although "fueling station" and "road maintenance operation" are not specified terms within the ordinance, a service station is first listed as permissive in the C-N zone, and a contractor's yard - including the use of an office - is specifically enumerated as a special use.

LANDSCAPING

Based on the overall size of the subject property, a landscaped setback of at least 20 feet in depth is required along all portions of the property adjacent to a street (Sec. 19.A.3.), including the entire length of Public School Road on both sides of the existing sewer lift station. The provided landscaping shall consist of a variety of trees, shrubs, and vegetation to create a visually opaque buffer.

The ordinance requires that a landscaping plan outlining all proposed areas to be covered with impervious materials, proposed planting beds and vegetative ground cover areas be provided. The plan is required to indicate the location, size, and species of all existing and proposed trees, shrubs, vegetation and ground cover. Trees must be at least one-and-one-half inches in caliper measured at two feet above grade. One tree is required for each 30 feet of frontage. Shrubs must be at least 5 gallon minimum. A minimum of 75 percent of the landscape buffer areas must be maintained with live planting materials.

Properties located within the unincorporated area of Bernalillo County are subject to applicable county water conservation restrictions. The specific type of landscaping to be used is subject to review/inspection by the Public Works Division. Any changes to the landscaping as required by the Public Works Division are subject to additional review and approval of the Zoning Administrator, and must be consistent with the standards of the zoning ordinance.

A solid wall/fence at least 6 feet in height is required along the S/SE sides of the property abutting A. Montoya Elementary School and Roosevelt Middle School (both properties are zoned A-2). Elevation drawings of this feature are recommended.

PARKING

The overall size of the proposed office building (560 sq. ft.) requires at least 3 off-street parking spaces - 2 standard, one for disabled individuals - be provided (1 space for each 200 sq. ft. of building area). Standard parking spaces are required to be at least 8 1/2 feet wide by 20 feet in depth; spaces for use by disabled individuals can be 8 feet by 20 feet, but each handicapped space must be adjacent to an access aisle of at least 3 feet wide providing unobstructed access to the building or facilities entrance.

Each off-street parking space designated to be used by disabled individuals is required to provide its own conspicuously posted upright sign, either free-standing or wall mounted, showing the international disabled symbol of a wheelchair. Each sign shall be no smaller than 12 by 18 inches. Each sign shall have its lower edge no less than four feet above

grade. Barriers are required to prevent free-standing signs from being hit by motor vehicles.

The off-street parking area must be surfaced with concrete or a bituminous material (asphalt). Gravel parking areas are not acceptable. All off-street parking spaces are required to be appropriately marked (striped) to indicate the location of each space.

Other than the 560-sq. ft. office, the other activities on the site do not have specific requirements for off-street parking spaces, but it appears sufficient area exists on the site to allow for vehicle parking, equipment storage, and the like.

Environmental Health:

BCEH RECOMMENDS DEFERRAL. Information provided in the application is insufficient to adequately assess environmental health risks presented by placing heavy equipment fueling station and bulk materials storage area in close proximity to a school and active waterways.

Recommended conditions of approval:

1. Prior to approval, any plans for petroleum storage shall be submitted to EH for review. These shall at minimum meet current NMED PSTB requirements including, however not limited to, leak prevention and detection, tank construction and placement.
2. Measures shall be put in place to prevent the runoff of materials stored at this site given the close proximity to active waterways. In addition, monitor wells shall be installed to serve as groundwater pollution monitor points.
3. Any activity conducted on this site as well as heavy machinery operated shall be done in accordance with state and local air quality regulations. Albuquerque-Bernalillo County Air Quality Control Board air quality permits shall be acquired and maintained for applicable operations at this site.
4. From EH code Sec. 30-119. Schools, hospitals, churches and libraries: It shall be unlawful for any person to create any noise on any street, sidewalk or public place adjacent to any school, or other institutions of learning or church, while the same is in use or adjacent to any hospital, which noise unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets, sidewalk or public place indicating the presence of a school, church, hospital or library.
5. Water and wastewater services for administrative building must be permitted and approved by BCEH. If these services are to be provided by a utilities provider, a commitment letter shall be submitted indicating adequate services can be provided to this development.

Zoning Department Manager: No adverse comments at this time. There are no zoning enforcement issues.

Building Department Manager: No comments received.

Fire:

Need to install a fire hydrant at the entrance into the property, a fire extinguisher at the pumps. Gates will have a Knox Box with a key or other fire department access or, a Knox controller for emergency access.

Public Works:

DRAN:

A Grading & Drainage Plan prepared by a New Mexico licensed engineer is required for this project. A conceptual plan may be submitted prior to approval of this Special Use permit request with the complete Grading & Drainage Plan being submitted within 60 days following approval.

The conceptual plan must address the following specific issues:

- 1) A hydraulic analysis of the Tijeras Arroyo in the vicinity of the project area must be performed to show that the expected 1% annual chance water surface will not impact the project.
- 2) The salt storage and mixing area must be designed to minimize contact with stormwater and runoff from this area must be contained in a separate ponding area from other runoff sources.
- 3) The fueling area must be designed to minimize contact with stormwater and runoff from this area must be contained in a separate ponding area from other runoff sources.

DRE:

Traffic Scoping Report was submitted and approved.

Site has a minimum 20-foot, paved, access and turnaround for EMS and Fire Dept.

WTR RESOURCES:

- 1.) Additional information is required and/or appropriate for this application, pursuant to Section 18 (C) of the Zoning Code. The list of additional items needed for review in this application include: the location of the 100-year flood line, depth to groundwater, a conceptual plan to address runoff control and capture (particularly from the salt storage and mixing area and refueling areas) and detailed description of the intended underground storage tank system addressing construction and detection monitoring
- 2) From Section 18(c) Item (5) of the Zoning Code, the site development plan should (c.) show the boundaries of the property to be developed - the existing site plan shows only the yard boundaries, not the properties or surrounding structures, and needs in this case to particularly show the location of the surrounding arroyos centerlines to verify offset distances (g) contain a conceptual grading and drainage plan as considered appropriate by BCPW - in particular a conceptual grading and drainage plan showing key features of stormwater runoff control from the salt storage and refueling areas is

needed, (j) show existing and proposed water and sewer location - (and thereby identify what type of utilities will be provided for the administration building and verification that services are available from the planned provider) - and storm drainage facilities (l) include a written statement describing the proposed project in detail.

3) The EPA Region 6 General Permit for Discharges from Small Municipal Storm Sewer Systems (NMR040000), in Section 5.2.6.1, requires the County to develop and implement an operation and maintenance program that includes "controls to reduce or eliminate the discharge of pollutants from maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, and salt and sand storage location and snow disposal areas." Those required "controls" include surface runoff control, materials storage, and even possible relocation of such yards.

4) In addition to NMED Petroleum Storage Tank requirements, the use of the underground storage tanks is addressed in the Groundwater Protection Policy and Action Plan which indicates restricting such activities in Crucial Areas (page 34) (this site is within a crucial area see map page - or at a minimum requires the use of secondary containment with leak detection (which is currently required by the NMED PST regulations). Other statements p. 35 relating to "Additional Restriction in Wellhead Protection Areas, specifically apply to (1) excluding tanks within 200 feet of public water supply wells (nearest known supply well is 1,000 feet). However, the provisions would seem prudent given limited distance to the arroyo (or source water and springs) area and location within 1,000 feet to elementary school well and (2) the GPPAP specifically calls out use of double wall system with interstitial leak detection for all new tanks.

Proposed Conditions of Approval

1.) Upon development and prior to construction, provide a grading and drainage plan acceptable to BCPW and particularly to the Stormwater Quality water resource planner with respect to containment of snow removal salt and surface runoff control.

2.) Upon development and prior to construction, provide an underground storage tank design and operation plan that at a minimum satisfies NMED PST requirements and that also includes a double wall system, provides appropriate leak detection monitoring system comparable or better than interstitial monitoring, and that identifies offset distances to the surrounding arroyos and underlying depth to water.

3) Upon development provide water and sewer services to the administration building that satisfy the requirements and meets approval of Office of Environmental Health.

Parks & Recreation:

Informational Comment: The East Mountain Trails and Bikeways Master Plan designates a proposed paved trail/bike route for Public School Rd. The plan also indicates a proposed soft-surface trail along the drainage to the rear of the proposed special use.

Sheriff's: No comment received

COMMENTS FROM OTHER AGENCIES

MRGCOG: MRCOG staff has no comment on this proposed application.

AMAFCA: No comment.

Municipal Development Dept.:

Transp. Planning: No comments received.

Transp. Development: No comments received.

City Planning: No comments received.

City Transit: No comments.

ABCWUA Utility Development Section: No comments received.

City Environmental Health: No comment received

City Open Space: No comments received

PNM:

If electric service is necessary for the new development please contact PNM new service delivery.

NM Department of Transportation: No comments received

Albuquerque Public School:

This development will be located on the same access road as A. Montoya Elementary.
APS opposes this development because of the shared access road.

MRGCD: No comments received

NEIGHBORHOOD ASSOCIATIONS:

East Gateway Coalition of Associations

East Mountain District 5 Coalition